

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.

Plaintiff and Counterclaim Defendant,

v.

VIVINT SMART HOME, INC.,
f/k/a MOSAIC ACQUISITION CORP.;
LEGACY VIVINT SMART HOME, INC.
f/k/a VIVINT SMART HOME, INC.,

Defendants and Counterclaimants.

**DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, Defendants Vivint Smart Home, Inc. and Legacy Vivint Smart Home, Inc. (together, "Vivint") move for summary judgment on Plaintiff CPI Security Systems, Inc.'s claim under the North Carolina Unfair and Deceptive Trade Practices Act (Count 3).

Vivint is contemporaneously filing a memorandum in support of this motion, and in further support, Vivint relies on the pleadings of record and attached deposition transcripts of the following: Laura Ward (attached as Exhibit 1), Shantell Cheek (attached as Exhibit 2), Ginger Garren (attached as Exhibit 3), Joyce Mariso (attached as Exhibit 4); Johgre Hinton (attached as Exhibit 5), Janet Newmark (attached as Exhibit 6), and Larry Kodack (attached as Exhibit 7).

Respectfully submitted the 9th day of September, 2021.

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Local Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that I have electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel and parties of record.

This the 9th day of September, 2021.

s/ Andrew H. Erteschik
Andrew H. Erteschik